

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONNELL BRADLEY,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. C 11-3222 JSW (PR)

**ORDER OF DISMISSAL; GRANTING  
LEAVE TO PROCEED IN FORMA  
PAUPERIS**

Petitioner, a federal prisoner currently incarcerated in Pennsylvania, has filed a petition for a writ of mandamus under 28 U.S.C. § 1651(a). He alleges there was constitutional error in his conviction and sentence in the United States District Court, although he does not indicate where his conviction was obtained.

The All Writs Act provides in relevant part that "[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). Under this authority, the writ of mandamus may be used in the federal courts to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so. *Will v. United States*, 389 U.S. 90, 95 (1967). The United States District Court where Petitioner was convicted is not an inferior court to this Court. Therefore this Court cannot issue a writ of mandamus under Section 1651 to compel a federal district court to act.


1           Petitioner also states that he seeks a writ of error coram nobis, but such a writ  
2 affords a remedy to attack a conviction when the Petitioner has served his sentence and  
3 is no longer in custody. *Telink, Inc. v. United States*, 24 F.3d 42, 45 (9th Cir. 1994).  
4 That is not the case here, as Petitioner is still in custody. The proper avenue for  
5 challenging his sentence or conviction is for Petitioner to file a petition for a writ of  
6 habeas corpus pursuant to 28 U.S.C. § 2255 in the district court in which he was  
7 sentenced.

8           Accordingly, the instant petition is DISMISSED without prejudice filing a  
9 petition for a writ of habeas corpus under 28 U.S.C. § 2255. The application to proceed  
10 in forma pauperis is GRANTED (docket number 4).

11           The Clerk shall enter judgment and close the file.

12           IT IS SO ORDERED.

13  
14 DATED: August 24, 2011

  
\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CONNELL BRADLEY,  
Plaintiff,

Case Number: CV11-03222 JSW

**CERTIFICATE OF SERVICE**

v.

UNITED STATES OF AMERICA et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 24, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Connell Bradley  
#98371-111  
FCI Allenwood  
P.O. Box 2000  
White Deer, PA 17887

Dated: August 24, 2011



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk